

Applicant : Christer O. Andreasson
Appl. No. : 10/085,472
Examiner : Jared Fureman
Docket No. : 706737.35 (formerly 263/291)

REMARKS

Entry of the present amendment is requested because it is believed that the same places the application in condition for allowance or better form for appeal. Favorable reconsideration of this application is requested.

By the present amendment, several claims have been amended, and two new dependent claims have been added. The purpose of the amendments is to make more specific that the apparatus and method directed to tracking unit dose medical products such as an individual syringe, vial, or any other item of medicine as distinguished from a bottle or box of a number of pills like those involved in the cited Wan patent. The present application is particularly directed to tracking individual unit dose medical products which are assigned to an individual patient in a healthcare facility, and not directed to a system or method of the type described by Wan which merely manages packages of medication such as bottles of pills removed from a medicine cabinet.

The system and method of the present application also assigns a unit dose product with a specific patient, which is not the case in the Wan disclosure. This is specifically defined for example by the last phrase of claim 11 and certain other claims.

There is no disclosure whatsoever of the subject matter of claims 26 and 27 contrary to the Examiner's statement. Wan does not disclose the claimed steps of returning a medical product to the dispensing unit, reading RFID tags after it is returned, and determining a difference between the readings taken before and after the products are returned.

The Examiner is correct that Wan discloses that a database stores medications that are associated with a particular user; however, Wan is talking about bottles of medicine such as a usual prescription that one would have at home, not individual medical items like the unit dose medicines described and claimed in the present application. The latter is particularly important in a healthcare facility in keeping track of each precise unit dose medical item and associated with a particular patient, rather than a package or bottle of pills in a home medicine cabinet as in Wan.

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With regard to the Examiner's commentary on pages 4-6 of the office action, the Examiner has used various specific terms in stating that claims of the present application are anticipated by Wan under § 102. However, in conducting a word search of the Wan patent, the following words used by the Examiner in paragraph 2 of the office action beginning on page 4 were not found in the Wan disclosure: uniquely, determining, difference, after, patient, verifies, authorized, comparing, identifier, name, mismatch, notification, detects, removed, compartments, shelves, returned, unused, sending, notice, intended, message, and quantity. Thus, the Examiner takes the position that claims 11 and 14-27 are anticipated, but this cannot possibly be the case because of the total absence in the disclosure of Wan of words and phrases in the present claims. Thus, the rejection of claims 11 and 14-27 must fail. As to the § 103 rejection adding McGrady of claims 1-10, this too must fail because of the substantial infirmities of Wan as compared to the language of the claims.

In view of the foregoing, entry of the present amendment and favorable reconsideration of this application is requested.

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: 
Samuel B. Stone
Reg. No. 19297

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Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 949-567-6710